

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MIKE KASSABJI,

Petitioner,

v.

CIV 09-675 RB/CG

ERASMO BRAVO, Warden, et al.,

Respondents.

**ORDER ADOPTING LIMITED FILING RESTRICTIONS,
DENYING PETITIONER'S PENDING REQUESTS,
AND NOTING CASE STATUS**

Magistrate Judge Garza filed preliminary proposed findings on December 29, 2009, recommending that, in order to manage this habeas case efficiently, limited filing restrictions be imposed on Petitioner. She also had the Clerk substitute Petitioner's current address and send the proposed findings to that address. See *Doc. 48* at 4; see also *Docket Sheet* (entry dated 12/30/09); *Doc. 51* at 3 (address for Petitioner remains the same).

Petitioner did not file a document labeled "objections" to the proposed findings. Instead, he filed his "reply" to the supplemented answer and record (something Judge Garza authorized him to do). See *id.* at 1-2 ; *Docs. 49, 52*. He also filed a motion seeking an "injunction." See *Doc. 51*. It indicates that he is dissatisfied with Judge Garza's prior rulings and asks District Judges, Vazquez, Parker, Conway, Browning "and the 3 visiting judges" he will be requesting to "put injunction on Judge . . . Garza to

stay away from my case and prohibit her from reading my pleadings/motions." *Doc.* 51 at 1.

To the extent that Petitioner's latest document is yet another request for a change of venue, it is denied for the same reasons as Judge Garza explained. See *Doc.* 30 at 9-10; see also *Docs.* 37, 41. I referred this case to Judge Garza "to perform any legal analysis required to recommend to the Court an ultimate disposition of the case," *Doc.* 3, and she has already declined Petitioner's request that she recuse, see *Doc.* 44 ("construing the motion for 'sanctions' (*Doc.* 43) as a motion to recuse, which is again denied for the same reasons as set forth in my prior order. See *Doc.* 30 at 10-11"). Since a change of venue is not appropriate and Judge Garza had declined to recuse, to the extent Petitioner is requesting that I reassign the case to another Magistrate Judge in this District, I find no basis to do so.

To the extent that Petitioner's latest document evidences his "objection" to Judge Garza's recommendation that limited filing restrictions be imposed, I overrule it. Though it appears that Petitioner has stopped filing extraneous matters and has already filed his reply, in an abundance of caution, I will accept the restriction but also allow Petitioner to file another reply, if he wishes, and give him additional time to do so.

As Judge Garza previously explained, I also note that once the reply is filed, the matter will be taken under submission by Judge Garza and she will issue her proposed findings on the merits of the habeas petition. Petitioner will then have an opportunity to file objections to those proposed findings and I will review those objections.

Wherefore,

IT IS HEREBY ORDERED THAT:

1. Petitioner file his “reply” no later than Friday, February 12, 2010;
2. Petitioners latest request for relief and “objections” (*Doc. 51*) are DENIED AND OVERRULED;
3. Petitioner’ motion for a hearing (*Doc. 47*) is DENIED;
4. the Magistrate Judge’s preliminary proposed findings (*Doc. 48*) are ADOPTED;
5. limited filing restrictions be imposed as follows: the Clerk shall scan, assign a document number but also docket as “stricken” any document tendered by Petitioner in this suit that is not his reply, an objection to upcoming proposed findings, or documents necessary to perfect an appeal; and
6. the *Pro Se* Law Clerks be provided notice of these limited filing restrictions.



UNITED STATES DISTRICT JUDGE